

ENDWELL FIRE DISTRICT
Rules and Regulation

DISCIPLINARY POLICY	
Number: 2023-12	Adopted: January 04, 2023

A. Purpose:

1. The Board of Fire Commissioners shall preside over all matters outlined in this Rule and Regulation, provided, however, the Board of Commissioners may, in its sole discretion, appoint a hearing officer for any Formal Hearing hereunder.
2. The purpose of this Rule and Regulation shall be to ensure that all members and officers are dealt with in a fair and equitable manner while ensuring that the Fire District maintains the highest level of discipline in order to effectively and safely perform its functions and not cause discredit to the Fire District.
3. Any member or officer who disobeys any Rule and Regulation, a Policy of the Board of Fire Commissioners, or written standard operating guideline, procedure, or other directives of the Board of Fire Commissioners or Fire Chief, or any member who acts in a manner which jeopardizes the safety of other members of the Fire District, or otherwise acts in a manner which constitutes misconduct may be subject to formal disciplinary action as outlined in this Rule and Regulation.
4. These rules and regulations shall apply to all member or fire officer proceedings; the term “member” shall be equated with either a member or a fire officer, as the case may be in this Rule and Regulation, and shall apply to both member and officer discipline matters.
5. Formal disciplinary procedures should be regarded as a drastic step reserved for serious situations or those potentially so. It is usually in the best interest of the Fire District to first make every effort to obtain a satisfactory solution to the matter informally.
6. The process of informal resolution for the handling of minor offenses shall be:
 - a. In the normal course of Fire District business, personnel issues will arise, requiring correction and guidance. All fire officers have the authority to intervene and provide direction to those personnel under their direct supervision, whether at a call, during training or other times when the Fire District fire department is on-duty. In these cases, it is sufficient for the Fire Officer to speak privately with the member to guide and correct the issue at hand. No punitive action may be taken. The Fire Officer shall provide a verbal report to the Fire Chief. A notation of counseling shall be entered in the member’s personnel file maintained by the Fire District, which notation shall be removed after six months following the event, provided the member has no further personnel events noted.
 - b. In the event of a minor disciplinary offense, as determined by the Fire Chief in the Chief’s discretion, requiring intervention and action by the Fire Chief, or a second personnel event within six months as described in the preceding paragraph, the member shall be directed to attend a conference with the Fire Chief to review such event(s). After the conference, a written summary of the deficiencies and corrections will be presented to the member and the Fire Chief shall place a copy in the member’s personnel file maintained by the Fire District which summary shall be removed after three years following the event, provided the member has no further personnel events

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- c. A written reprimand may be issued to a member by the Fire Chief of the Fire Department for each subsequent offense for which the member has previously received a written summary within the prior three years. A corrective interview shall take place within 10 days between the member and the Fire Chief and a written summary of the interview shall be placed in the member’s personnel file together with the reprimand. The written reprimand shall remain permanently in the member’s personnel file maintained by the Fire District.
- d. Following receipt of a written reprimand and corrective interview, the next offense may result in suspension or dismissal at the discretion of the Board of Fire Commissioners.
- e. This informal procedure shall be discretionary and is intended for minor offenses. However, nothing shall require this procedure should the offense warrant formal proceedings, as determined at the discretion of the Board of Fire Commissioners or Fire Chief.

B. Formal Disciplinary Procedures:

- 1. A member has the right that allegations against them shall not be made except by charges brought on reasonable grounds. If a member is thus accused, they have the right to be informed of the charge and given time to prepare their defense, to appear and defend themselves.
- 2. If formal disciplinary action is initiated, the disciplinary action shall proceed in accordance with this Section B.
- 3. The Fire Chief of the Fire Department shall be empowered to temporarily suspend a member until the next regular meeting of the Board of Fire Commissioners. Any suspension under this paragraph shall be confirmed in writing to the member by the Fire Chief, within 48 hours with a copy to the Secretary of the Fire District.
- 4. Proceedings under this Rule and Regulation may be commenced by the action of the Fire Chief and the Board of Fire Commissioners only.
- 5. Members accused under this Rule and Regulation shall be given the opportunity to meet with the Board of Fire Commissioners at an Informal Meeting to discuss the matter at hand.
- 6. If, after the Informal Meeting, the Board of Fire Commissioners determines that no further action is required, the matter will be dismissed.
- 7. If, after the Informal Meeting, the Board of Fire Commissioners determines that formal disciplinary action should be taken, the accused member shall be notified in writing by either personal delivery or certified mail, of the charges. The written charges shall include the nature of the charges, the date, time, and location of a Formal Hearing to be held by the Board of Fire Commissioners, or a hearing officer appointed by the Board for that purpose, at which time the charge(s) will be discussed with the accused member.

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8. In the event that the Board of Fire Commissioners determines that a formal disciplinary action shall be taken, the Board may, at its discretion, suspend such member pending completion of the hearing and all subsequent proceedings including appeal(s). The Board may, at its discretion impose conditions and other restrictions, requirements, or otherwise during such suspension.
9. The accused member shall receive written notice of the Formal Hearing with the Board of Fire Commissioners with not less than 10 days nor more than 30 days written notice. Other members with knowledge of the incident shall be extended a written direction to attend by the Board of Fire Commissioners including members required by the accused member; failure or refusal of a member to attend the Formal Hearing after a written request by the Board of Fire Commissioners shall be subject to discipline under this Rule and Regulation.
10. The conduct of the Formal Hearing shall be as follows:
 - a. The charges shall be formally read to the accused member.
 - b. Witnesses shall be called to support the charges. The accused member may cross-examine the witnesses.
 - c. The accused may call witnesses to rebut the charges; the witnesses may be cross-examined by the Board or, where a Hearing Officer is appointed, by the Hearing Officer.
 - d. The formal rules of evidence shall not apply, and substantial justice shall govern the proceedings.
 - e. Either the Board of Fire Commissioners or the accused may record the proceedings of the Formal Hearing by stenographic record only, at their own expense.
 - f. The Board of Fire Commissioners or, where a hearing officer has been appointed, the hearing officer, shall make all rulings as to evidence, testimony, witnesses, and other procedural and substantive issues during the hearing.
 - g. The Board of Fire Commissioners shall issue its written determination within 30 days of the Formal Hearing to the accused member, by either personal delivery or certified mail.
 - h. In the event that the Board of Fire Commissioners appoints a hearing officer, the hearing officer for the purpose of such hearing, shall be vested with all the powers of the Board of Fire Commissioners, and shall make a record of such hearing, which shall be referred to the Board of Fire Commissioners for review within ninety days from the close of such hearing along with his or her recommendations. The Board of Fire Commissioners may, within 30 days of the receipt of such hearing officer recommendations may adopt, modify or reject such recommendations in whole or in part, as the Board of Fire Commissioners may in its sole discretion determine.
11. The resolution of the charges after the Formal Hearing shall be one of the following:

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- a. The charges shall be dropped with no further action.
 - b. The charges are resolved with a formal written, reprimand, with no further action against, or recourse by the member involved.
 - c. The charges are resolved with formal suspension for a length of time fixed by the Board of Fire Commissioners, not to exceed one year from the date of the Board approving such formal suspension. The Board of Fire Commissioners may also establish in its discretion conditions governing the suspension or the member's return following any suspension.
 - d. The charges are resolved with the expulsion of the member, subject to the provisions of Section E, or in the case of the removal of an officer from office, subject to the provisions of Section D, of this Rule and Regulation.
12. If, after receipt of written charges from the Board of Fire Commissioners under Paragraph 7 of this Section B, the accused member informs the Secretary of the Fire District in writing that the member has no objections to the charges, or if the accused member fails to attend the Formal Hearing, the Board of Fire Commissioners shall make a determination for resolution which shall be agreed by a majority vote of the Board of Fire Commissioners.
13. Within 10 days of the receipt by the member of the written determination made under either Paragraph 10(g), or Paragraph 10(h) of this Section B or where a hearing officer has been appointed under this Section B, the affected member may file a written Appeal with the Fire District Secretary. The written Appeal shall state the specific ground(s) for the appeal. The Appeal shall then be considered at the next regular meeting of the Board of Fire Commissioners, as the first order of business. At that time, the charge(s) and determination of the Board of Fire Commissioners will be presented by the Secretary of the Fire District, together with the written Appeal of the affected member. A two-thirds vote of the Board of Fire Commissioners present shall be required to overturn a prior determination by the Board of Fire Commissioners.
14. In the event that the determination of the Board of Fire Commissioners is overturned, the charges shall be dismissed in their entirety and no further action taken. No Appeal shall be permitted for any determination made under Paragraph 12 of this Section B.
15. A written record of all formal proceedings under this Section B. shall remain permanently in the member's personnel file maintained by the Fire District.

C. Members Under Suspension:

- 1. Any member suspended under this Rule and Regulation shall perform no duties as member, shall not be entitled to attend meetings or vote during the period of suspension, and shall observe any other restrictions which may be imposed by the Board of Fire Commissioners. Suspended members shall not have their duty requirements prorated according to the length of their suspension.

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2. A member’s suspension (other than imposed under Paragraph 3 of this Section B) shall commence upon the receipt of written notice from the Board of Fire Commissioners on the terms and length of time of suspension. Such written notice of suspension shall be delivered personally or by certified mail.

D. Removed Officer:

1. Any fire officer removed from office shall not be eligible to hold another firematic officer for a period of not less than five years or other terms as set by the order of the Board of Fire Commissioners.
2. Removal of an officer from office shall be effective upon receipt of written notice from the Board of Fire Commissioners. Such notice shall be delivered personally or by certified mail.

E. Expelled Members:

1. Any person expelled from this Fire District shall not be eligible to reapply for membership.
2. Removal of a member shall be effective upon receipt of written notice from the Board of Fire Commissioners. Such notice shall be delivered personally or by certified mail.

F. Mailings:

1. Any mailing done under this Rule and Regulation is required to be done by certified mail and shall be posted to the address of the member maintained by the District Secretary.
2. Any other mailing done under this Rule and Regulation may be done by First Class Mail and shall be posted to the address of the member maintained by the District Secretary.
3. Any mailing to such address shall be presumptively received by the member.
4. When any notice or mailing is mailed under this Rule and Regulation the notice or mailing shall be presumed to have been made upon mailing.
5. Refusal or failure by a member to accept a certified mailing or any other mailing may constitute misconduct under these Rules and Regulations and subject such member to disciplinary action under these Rules and Regulations.

Reviewed and Adopted: January 5, 2022
Adopted: April 21, 2021
Rescinds: Disciplinary Action Guidelines 2005-03